

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TONY PENWELL,

Plaintiff,

v.

CHERYL STRANGE, *et al.*,

Defendants.

CASE NO. 3:21-cv-05722-RJB-JRC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the report and recommendation of Chief Magistrate Judge J. Richard Creatura (Dkt. 68), defendants' objections to the report and recommendation (Dkt. 70) and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the report and recommendation.
- (2) Plaintiff's motion for leave to file a supplemental complaint (Dkt. 57) is granted in part and denied in part. Plaintiff is given leave to supplement his Eighth Amendment claim and denied leave to supplement any other claims.
- (3) By **November 30, 2022**, plaintiff shall file a new supplement/amendment to his complaint and shall only include those transactions that occurred after he filed his complaint and are relevant to his Eighth Amendment deliberate indifference claim. It should not include any allegations of retaliation or other causes of action as addressed by the report and recommendation.
- (4) Plaintiff's motion for a temporary restraining order and preliminary injunction (Dkt. 53) is denied.

1 (5) The Clerk is directed to send copies of this order to plaintiff, counsel for
2 defendants, and to the Hon. J. Richard Creatura.

3 **DATED** this 2nd day of November, 2022.

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5 ROBERT J. BRYAN
6 United States District Judge
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